

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**PLANNING COMMITTEE – TUESDAY, 4 SEPTEMBER 2018**

Title of report	<b>TO CONSIDER CONFIRMING A TREE PRESERVATION ORDER ("TPO") ON LAND TO THE SOUTH OF OVERTON CLOSE COLEORTON</b>
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Purpose of report	To consider one objection lodged by Mrs LJ Hogg
Council priorities	Homes and Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>None</p> <p>None</p> <p>None</p> <p>Equality Impact Screening already undertaken, issues identified actioned.</p> <p>Under the Human Rights Act 1998, Article 8, there is a right to respect people’s private and family life, their home and correspondence. The making of a TPO potentially impacts on that right. However, in this case it is considered that the making of the TPO is justified in the public interest.</p> <p>None</p>
Comments of Head of Paid Service	Report is satisfactory

Comments of Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	People with a legal interest in the land affected by the TPO have been consulted and members of the public were consulted by the placing of site notices.
Background papers	Full copies of correspondence received are available on the planning file.
Recommendations	<b>THAT THE TREE PRESERVATION ORDER (TPO) BE CONFIRMED</b>

## 1.0 INTRODUCTION

- 1.1 A provisional woodland TPO was made on 8 June 2018. The TPO needs to be confirmed within six months. Trees protected by the provisional Woodland TPO of 8 June 2018 will lose their protection if not confirmed before 8 December 2018.

## 2.0 BACKGROUND

- 2.1 A request to make a TPO has been received from Coleorton Parish Council who own a small shelterbelt on public open space to the rear of Overton Close, bordering the north verge of the A512.
- 2.2 The woodland forms a screen between the highway and dwellings on Overton Close. Following some unauthorised felling, the Parish Council undertook thinning operations to reduce the density of trees in line with their management plan and to benefit the valuable understorey. Recently it had been noticed that several trees were marked with white paint and the Parish Council are concerned that this would be the precursor for further illegal felling by a neighbour who alleges that the trees interfere with their TV reception.
- 2.3 The Parish Council wish to address this issue with the neighbour but wanted to protect the trees before further action could be taken.
- 2.4 The young woodland is now 12-15m. high and consists of pole stage, mixed native broadleaf trees with some Norway maple and Sycamore with Hazel and Holly as an understorey. The Council's Trees Officer has confirmed that the woodland does have the potential to double in height.
- 2.5 Overall the woodland is diverse and healthy with an indefinite life expectancy. It is clearly visible to the public and there is a foreseeable threat to some of the trees within it.
- 2.6 A provisional TPO was prepared and served, and came into force for a six month period on the 8 June 2018. Because an objection has been made to the TPO, this Planning Committee

is now asked to formally confirm the TPO. The effect of this would be to protect the trees detailed within the TPO made on 8 June 2018 on a permanent basis.

### **3.0 OBJECTIONS AND OFFICER COMMENTS**

#### **Summary of Representations Received**

- 3.1 Whilst Mrs Hogg states that she has no overall objection to the TPO, she would like the Council to take into consideration comments she has helpfully outlined.
- 3.2 Along with trees on the south side of the A512, Mrs Hogg considers that the trees block direct sunlight and do not provide a sound barrier. She would like to fell or reduce the height of the trees she has paint marked because they interfere with light into the garden and obscure solar panels thereby restricting their effectiveness. When windy, the trees interfere with TV reception and have reached a height where if they were to blow down they would cause extensive damage to her property.
- 3.3 The Parish Council have indicated that they wish to resolve the issue and confirmation of the TPO would not prevent them from doing so subject to planning consent being secured from the local planning authority for proposed works to the trees protected by the TPO. A management plan could be approved by the local planning authority for routine works but it must be recognised that a resident has no legal right to TV reception or to light in respect of vegetation. If works are to be carried out to reduce these issues it needs to be carried out by agreement with the tree owner. Confirming the provisional TPO should help ensure that any proposed works to the protected trees are only undertaken when agreed.
- 3.4 The trees are young and well rooted. With appropriate management their stability can be maintained and any unhealthy or unstable trees removed. The Parish Council have shown their intention to manage the woodland responsibly by appointing a forestry consultant to write a management plan and implement his recommendations.
- 3.5 It is therefore considered that the proposed TPO, as per the map at Appendix 1 of this report meets the legal requirement for confirming a TPO, and that the reasoning set out in the objection to the TPO does not indicate that the TPO should not be confirmed. It is, accordingly, recommended that the TPO be confirmed with immediate effect.